

REMARKS

I. Preliminary Remarks

Claims 1, 13, 15, and 16 have been amended. Claim 17 has been added. Claims 1-5 and 13-17 are now pending. In particular, claims 1, 13, 15, and 16 were amended to clarify that "mesh" is a measurement in size. This clarification, however, does not narrow the scope of the amended claims. Reconsideration and allowance of all of the claims in view of the above amendments and the following remarks are respectfully requested.

Applicants wish to express their appreciation to the Examiner for his time in the telephone interview. The above amendments to the claims and the following remarks are in accordance with the material discussed in the telephone interview.

II. Restriction Requirement

In the first Office Action dated April 8, 2002, original claims 1-5 and 6-12 were subject to a restriction requirement for allegedly claiming more than one distinct invention. Claims 1-5 are hereby elected without traverse for further prosecution in this application.

III. Rejections Under 35 U.S.C. 102(b) and 103(a)

The Examiner rejected claims 1-5 and 13-16 under Sections 102(b) and 103(a) based on Schroeder International Application No. PCT/US00/09916. According to the Examiner, the claimed invention of using at least 50% of wood material in the composite is not distinguishable from Schroeder's teaching of using 10% to 40% by weight coarse wood. This rejection is respectfully traversed.

In contrast to the Examiner's argument, using at least 50% wood content in the WATC provides favorable dampening qualities that could not be provided using 40% wood content as taught by Schroeder. As stated in paragraph 30 of the application, less than 50% wood content may be used in wood additive thermoset composite, but such application would not work for a speaker cabinet. Rather, with 40% wood content in WATC, such applications may be used for doors and floor panels, but not speaker cabinets. Therefore, Schroeder does not anticipate nor obviate the independent claims 1, 13, 15, and 16, and their respective dependent claims that are

directed to using at least about 50% by weight of wood having a mesh size between about 20 and about 60 in the composition.

III. Conclusion

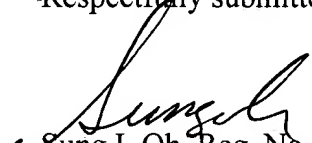
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with marking to show changes made."

In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over Schroeder and are in condition for allowance. Reconsideration of the application, as amended, is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicants' undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicants respectfully request that this paper be considered a petition therefore.

Respectfully submitted,


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VERSION WITH MARKING TO SHOW CHANGES MADE

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In the Claims:

Please amend claim 1, 13, 15, and 16.

1. (Twice Amended) A wood additive thermoset composite for a speaker cabinet,
the wood additive thermoset composite comprising:

at least about 50% of wood material having a mesh [amount] size between about 20 and
about 60 [present] by weight of the composite to dampen vibrational energy from a transducer in
the speaker cabinet; and

at least one thermosetting resin material present substantially accounting for the
remaining weight of the composite.

13. (Amended) A wood additive thermoset composite, comprising:
at least about 50% of wood material by weight of the composite, where the wood material
has a mesh [amount] size of about 20 to dampen vibrational energy; and

at least one thermosetting resin material present substantially accounting for the
remaining weight of the composite.

15. (Amended) A wood additive thermoset composite, comprising:
at least about 50% of wood material by weight of the composite, where the wood material
has a mesh [amount] size of about 40 to dampen vibrational energy; and

at least one thermosetting resin material present substantially accounting for the
remaining weight of the composite.

16. (Amended) A wood additive thermoset composite, comprising:
at least about 50% of wood material by weight of the composite, where the wood material
has a mesh [amount] size of about 60 to dampen vibrational energy; and

at least one thermosetting resin material present substantially accounting for the
remaining weight of the composite.

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